

FROM McANDREWS, HELD, & MALLOY

(TUE) 12.11'07 20:13/ST. 20:10/NO. 4861050248 P 10

U.S. Application No. 10/646,318, filed August 22, 2003
Attorney Docket No. 14366US02
Amendment dated December 11, 2007
In Response to Office Action mailed July 11, 2007

REMARKS

Claims 56-72 are pending.

Claims 59-63 and 69-72 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,857,716 ("Gombrich") in view of U.S. Patent No. 4,644,366 ("Scholz") in view of U.S. Patent No. 5,059,951 ("Kaltner"). Applicants respectfully traverse the rejection as set forth below.

Claim 60 recites, in part, "a wireless communications module comprising a transceiver" and "a connector arranged to releasably engage the communications module from the terminal and to transmit signals".

According to the Office Action, the connector is allegedly the component identified as 120 in FIG. 12 of Gombrich. The wireless communications module comprises a transceiver which is allegedly the RF modem 124. The terminal is allegedly a pen/wand terminal.

However, claim 60 recites, in part, "the terminal may be engaged by the communications module through the connector without adjustment of the communications module or the terminal". According to the allegations of the Office Action, the pen/wand terminal of Gombrich may be engaged by the wireless communications module (alleged to be the RF modem 124) through the component identified as 120 in FIG. 12 of Gombrich. The pen/wand terminal of Gombrich is never engaged by the RF modem 124. It is a one-way path from the pen/wand terminal to the Z80 Processor and Memory 110 in FIG. 10. Thus, the pen/wand terminal of Gombrich is never engaged by the RF modem 124.

As alleged, since neither Scholz nor Kaltner make up for at least the above teaching deficiencies of Gombrich, it is respectfully submitted that the obviousness rejection cannot be maintained.

In the Office Action at page 3, the Examiner alleges, without any documentary support, that it would have been obvious to recognize that the connector indicated by number 120 in FIG. 12 is removable. Claim 60 recites, "a connector arranged to releasably engage the communications

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module from the terminal". In view of the teachings of Gombrich, there is no reason for the component 120 in FIG. 12 to releasable engage the RF modem 124 from the pen/wand terminal. In the context of Gombrich, what possible purpose (other than impermissible hindsight) would one of ordinary skill in the art make such a structural interrelationship as set forth in claim 60? Applicants respectfully request that the Examiner provide documentary evidence in support of such an uncorroborated statement. It is respectfully requested that such a document make up for the teaching deficiencies (i.e., the silence) of Gombrich in the context of the teachings of Gombrich (as opposed to merely considering elements in a vacuum without consideration of the other references or the claimed inventions).

In addition, the Office Action notes with respect to Kaltner that "although Kaltner's terminal communicates to a host using wired means 32. However, this can be replaced with wireless means well known in the art". Office Action at pages 5 and 7.

Such logic is direct contradiction with the teachings of Kaltner. See, e.g., Kaltner at col. 7, lines 29-44 ("The matching circuit 10 communicates with the transceiver 12 of the control unit 13 (remotely located) using a modified cable 32 which accommodates the signals which must be transmitted between the matching circuit 10 and the transceiver 12 (for purposes of deactivation) in addition to the signals which must be transmitted between the gun 25 and the character decoder 6 of the hand held system (for purposes of reading bar code information). To this end, the wired connections extending between the matching circuit 10 and the transceiver 12 are configured as twisted leads 34 (*to avoid radio interference*) in a common (*and shielded*) cable together with the original wired connections extending between the gun 25 and the remainder of the hand held system (again using twisted leads *to avoid radio interference*).")

Thus, the Office Action is suggesting the very opposite of the teachings of Kaltner. Accordingly, Kaltner cannot be properly combined with Gombrich and Scholz.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 60-63.

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Claim 59 depends from claim 56. Claim 56 recites, in part, some elements that are the same or similar to the recited elements of claim 60. Accordingly, the same or similar arguments made with respect to claim 60 are also made with respect to claim 59, if applicable.

To expedite prosecution, some of the same or similar elements recited in claims 56 and 60 are also recited in claim 69. Accordingly, the same or similar arguments made with respect to claim 60 are also made with respect to claim 69, if applicable.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 59-63 and 69-72.

Claims 65-68 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,059,778 ("Zouzoulas") in view of Gombrich, further in view of Scholz, and still further in view of Kaltner. Claim 64 stands rejected under 35 U.S.C. § 103(a) as being obvious over Gombrich in view of Zouzoulas. Applicants respectfully traverse the rejection as set forth below.

In view of the teaching deficiencies of Gombrich as discussed above and since claim 65 recites some elements that are the same or similar to the recited elements as set forth in claim 60, the same or similar arguments made with respect to claim 60 can be made with respect to claim 65, if applicable.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 64-68.

The Examiner objected to claims 56, 60 and 65 for noted informalities. Applicants have amended claims 56, 60 and 65 to correct issues related to antecedent bases.

With respect to the allegation that claims 56 and 60 are unclear with respect to noted elements, Applicants respectfully disagree and respectfully submit that one of ordinary skill in the art in interpreting the claim as a whole would not find the recited elements unclear.

It is therefore respectfully requested that the objection be withdrawn with respect to claims 56, 60 and 65.

Claim 64 stands rejected under 35 U.S.C. § 112, ¶ 2. Clarification was requested.

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Applicants have amended claim 64. It is therefore respectfully requested that the rejection under 35 U.S.C. § 112, ¶ 2, be withdrawn with respect to claim 64.

Conclusion

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

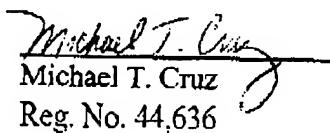
With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: December 11, 2007

Respectfully submitted,


Michael T. Cruz
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